



General Assembly

January Session, 2011

Raised Bill No. 6505

LCO No. 4086

04086_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING STREAM FLOW REGULATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-141b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Commissioner of Environmental Protection shall, on or before
4 [December 31, 2006] October 31, 2011, and after consultation and
5 cooperation with the Department of Public Health, the Department of
6 Public Utility Control, an advisory group convened by the
7 Commissioner of Environmental Protection, and any other agency,
8 board or commission of the state with which said commissioner shall
9 deem it advisable to consult and after recognizing and providing for
10 the needs and requirements of public health, flood control, industry,
11 public utilities, water supply, public safety, agriculture and other
12 lawful uses of such waters and further recognizing and providing for
13 stream and river ecology, the requirements of natural aquatic life,
14 natural wildlife and public recreation, and after considering the
15 natural flow of water into an impoundment or diversion, and being
16 reasonably consistent therewith, shall adopt regulations, in accordance

17 with the provisions of chapter 54, establishing flow regulations for all
18 river and stream systems and groundwater. Such flow regulations
19 shall: (1) Apply to all river and stream systems and groundwater
20 within this state; (2) preserve and protect the natural aquatic life,
21 including anadromous fish, contained within such waters; (3) preserve
22 and protect the natural and stocked wildlife dependent upon the flow
23 of such water; (4) promote and protect the usage of such water for
24 public recreation; (5) be based, to the maximum extent practicable, on
25 natural variation of flows and water levels while providing for the
26 needs and requirements of public health, flood control, industry,
27 public utilities, water supply, public safety, agriculture and other
28 lawful uses of such waters; and (6) be based on the best available
29 science, including, but not limited to, natural aquatic habitat, biota,
30 subregional basin boundaries, areas of stratified drift, stream gages
31 and flow data, locations of registered, permitted, and proposed
32 diversions and withdrawal data reported pursuant to section 22a-368a,
33 locations where any dams or other structures impound or divert the
34 waters of a river or stream and any release made therefrom, and any
35 other data for developing such regulations or individual management
36 plans. Such flow regulations may provide special conditions or
37 exemptions including, but not limited to, an extreme economic
38 hardship or other circumstance, an agricultural diversion, a water
39 quality certification related to a license issued by the Federal Energy
40 Regulatory Commission or as necessary to allow a public water
41 system, as defined in subsection (a) of section 25-33d, to comply with
42 the obligations of such system as set forth in the regulations of
43 Connecticut state agencies. Any flow management plan contained in a
44 resolution, agreement or stipulated judgment to which the state, acting
45 through the Commissioner of Environmental Protection, is a party, or
46 the management plan developed pursuant to section 3 of public act 00-
47 152, is exempt from any such flow regulations. Flow regulations that
48 were adopted pursuant to this section and sections 26-141a and 26-141c
49 prior to October 1, 2005, shall remain in effect until the Commissioner
50 of Environmental Protection adopts new regulations pursuant to this

51 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-141b

Statement of Purpose:

To require stream flow regulations adopted by the Department of Environmental Protection to regulate groundwater.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]